

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF NEW YORK        )

Patricia A. Frattini, being duly sworn, deposes and says:

1. I am employed by the firm of McDERMOTT & RADZIK, LLP, attorneys for the Plaintiff. I am not a party to this action, am over 18 years of age.

2. On March 14, 2008, 2007, I served the annexed **Answer of Defendant, Sterling Equipment, Inc.** upon the following:

John P. James, Esq.  
Friedman & James, LLP  
*Attorneys for Plaintiff*  
132 Nassau Street – Suite 900  
New York, NY 10038

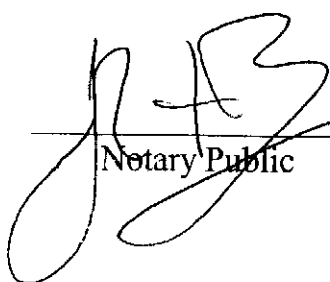
Kenneth M. Simon, Esq.  
Flicker, Garelick & Associates, LLP  
*Attorneys for Defendant Modern Continental, Inc.*  
45 Broadway  
New York, NY 10006

at the addresses designated by said attorneys for that purpose, by depositing true copies of same enclosed in postpaid, properly addressed wrappers in an official depository under the

exclusive care and custody of the United States Postal Services within the State of New York.

Patricia A. Frattini  
Patricia A. Frattini

Sworn to before me this  
14<sup>th</sup> day of March, 2008

  
Notary Public

JOHN E. RYAN  
Notary Public, State of New York  
No. 02RY6058958  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires March 12, 2011